



## Engineering and Environmental Services

# NOTICE OF VIOLATION

July 21, 2017

**JOB NUMBER: 4651-08**

**JOB NAME: Fendol Farms**

**DEADLINE FOR COMPLIANCE: 07/28/2017**

**RETURN RECEIPT REQUESTED**

**CERTIFIED MAIL # 70121640000211106105**

RREF II-FH NC Sierra, LLC  
790 NW 107<sup>th</sup> Ave 4<sup>th</sup> Floor  
Miami, FL 33172  
Attn: Aimee Carlson

Dear Ms. Carlson,

Please take notice that you are in violation of the Durham City-County Unified Development Ordinance.

On 7/13/2017, an inspection was performed at the subject site which is located on Leesville and Doc Nichols Rd. in Durham, NC. This inspection was performed under the authority of the Durham City-County Unified Development Ordinance, Section 15.5.1.

The inspection revealed that the site is in violation of the Durham City-County Unified Development Ordinance.

### **The violations that were disclosed are as follows:**

- ◆ Failure to conduct a land-disturbing activity in accordance with the provisions of an acceptable Sedimentation and Erosion Control plan, Section 12.10.2(B).  
**Sediment and erosion control measures have not been installed and adequately maintained and has resulted in off-site sedimentation in several locations.**
- ◆ Insufficient measures to retain sediment on site. Failure to provide reasonable or additional measures. Sections 12.10.3; 12.10.4; 12.10.10. **Erosion control measures are inadequate in several locations of the site, resulting in off-site sedimentation.**

- ◆ Failure to provide along the margin of a lake or natural watercourse, a buffer zone of sufficient width to confine visible siltation by natural or artificial means within the 25 percent of the buffer zone nearest the land-disturbing activity, Section 12.10.8. **Offsite sedimentation was observed in the buffer zone and downstream in an unnamed tributary to Lick Creek in several locations due to lack of maintenance and inadequate measures.**
- ◆ Failure to maintain satisfactorily all temporary and permanent Sedimentation and Erosion Control measures and facilities during the development of a site, Section 12.10.2(B). **Silt fence, silt fence outlets, inlet protection, sediment basins and construction entrances are not being maintained as per the erosion control plan.**

In order to correct these violations and bring the subject site into compliance, the following actions must be taken:

- ◆ **Offsite sedimentation that was observed in the buffer zone and downstream in an unnamed tributary to Lick Creek must be removed by hand and the area stabilized with appropriate groundcover. Offsite should be reported to NCDEQ – DWR/DEMRL.**
- ◆ **Install basins and diversions at Crossing #1 as per EC plan and provide more stabilization upstream of the crossing.**
- ◆ **Overburden in the creek from blasting work needs to be improved.**
- ◆ **Basin B needs to be mucked out and the skimmer unclogged.**
- ◆ **Remove deposition at the sewer crossing location and provide groundcover on the slopes. Maintain perimeter silt fence along the sewer easement.**
- ◆ **Stabilize the access road to Basin C.**
- ◆ **Revise the temporary diversion inlet to Basin #22 and move conveyance to the front of the basin. Muck out basin as needed.**
- ◆ **Install conveyances and basins on the previously approved plan especially at the creek crossings.**
- ◆ **At sediment basin #17, reinstall the skimmer, lengthen the slope drains, muck out the basin and clean up the outlet area.**
- ◆ **Maintain the construction entrance on Doc Nichols Rd.**
- ◆ **Provide a revised plan for sediment control between basins #16 and #24 to protect the buffer area nearby.**
- ◆ **Provide monitoring records for the previous month at Fendol Farms (June 2017– July 2017).**

Please be advised that merely planting grass seed does not satisfy the requirements of “vegetative cover” or of “ground cover sufficient to restrain erosion.” These requirements are not satisfied until a stand of vegetation or another suitable ground cover is established which is in fact sufficient to restrain accelerated or man-made erosion. Until such a ground cover is established, the requirements of the Unified Development Ordinance will not be satisfied.

A re-inspection will be scheduled directly after the compliance deadline. A re-inspection fee must be paid prior to the re-inspection. A Re-inspection Fee Form is attached that contains specific information relative to your job. A non-payment of a re-inspection fee will result in the revocation of a permit. Please remit a check to Durham County for the amount shown, at 120 E. Parrish Street, Law Building, 1<sup>st</sup> floor, Durham, NC 27701.

Please take notice that this violation may result in the following actions:

1. **Revocation of Permit.** The Sedimentation and Erosion Control Officer has the authority to revoke land-disturbing permits issued pursuant to the Durham City-County Unified Development Ordinance. Upon receipt of a notice of violation, the responsible person shall immediately cause or order the cessation of all land-disturbing activities except those activities which are specifically directed toward bringing the site into a state of compliance, Section 15.5.6.
2. **Civil Penalty.** A civil penalty of up to \$5,000.00 per day for each day of violation may be assessed, Section 15.5.7.
3. **Criminal Penalty.** Any person who knowingly or willfully violates any provision of this ordinance or any rule, regulation or order duly adopted or issued by the local government, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion control plan and/or land-disturbing permit is required, except in accordance with the terms, conditions and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed 90 days or by a fine not to exceed five thousand dollars (\$5,000) or by both, in the discretion of the court, Section 15.5.8.
4. **Injunctive Relief.** Section 15.5.9.

The responsibility for understanding and complying with the requirements of the Durham City-County Unified Development Ordinance rests upon you. Copies are available through this office.

If you attempt to correct the violations described in this notice, you should notify this office so that the work can be inspected.

**THE SUBJECT SITE WILL NOT BE CONSIDERED IN COMPLIANCE UNTIL THIS OFFICE HAS SO NOTIFIED YOU IN WRITING.**

If you feel that our information concerning you and/or your firm's responsibility for the previously described violations is incorrect, please notify this office immediately so that we may contact the proper person. Similarly, if you have information regarding the cause

or nature of these violations, which you would like to be considered, please forward it within 14 days of your receipt of this notice. Please do not hesitate to contact this office regarding any questions you may have.

Sincerely,



Rob Stewart  
Erosion Control Technician

Enclosures:

cc:    Ryan Eaves, S&E Division Manager  
         Karyn Pageau, Erosion Control Manager  
         Patrick Young, Durham City / County Planning Department  
         NCDEQ-DWR-Water Quality Section-Raleigh Regional Office Supervisor

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**SE-11**  
**Rev.02/08**



**COUNTY OF DURHAM  
ENGINEERING DEPARTMENT  
SEDIMENTATION & EROSION CONTROL DIVISION**

## **RE-INSPECTION FEE**

JCN: 4651-08

DATE: 7/18/17

FINANCIALLY RESPONSIBLE PARTY/AGENT: Aimee Carlson

COMPANY: RREF II-FH NC Sierra, LLC

ADDRESS: 790 NW 107<sup>th</sup> Ave. 4<sup>th</sup> Floor, Miami, FL 33172

TELEPHONE: 954-766-8378 FAX: 305-485-2724

**LOCATION:** Fendol Farms in Durham, NC

**VIOLATION: X NEW**      **SECOND-NONCOMPLIANCE**      **OTHER**

TYPE:  RESIDENTIAL  COMMERCIAL  INDUSTRIAL

**FEE ITEMS:**

**RE-INSPECTION FEE**      **\$210**

**SECOND RE-INSPECTION FEE \$420**

**PLAN RE-REVIEW FEE \$**

**TOTAL \$210**

*Please remit a check to Durham County, for the amount shown, at 120 E. Parrish Street, Law Building 1<sup>st</sup> Floor, Durham, North Carolina 27701.*

DATE PAID: CHECK #: BANK:  
RECEIVED BY: DATE:

**NOTE:** Non-payment of a **Re-inspection Fee** or non-payment of a **Plan Re-review Fee** will result in the revocation of a permit.